## REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. The applicant has amended claim 4 to overcome the claim objection. Support for newly added claim 16 can be found in paragraph no. [0034] of the published specification (US 2006/019054). Support for newly added claims 17-19 can be found in paragraph no. [0035] of the published specification. Support for newly added claim 20 can be found in paragraph nos. [0026] and [0030] of the published specification. Support for newly added claim 21 can be found in the original claim 9. No new matter has been added.

Claims 1-5, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Demeuse, US 6,165,599 (Demeuse) as evidenced by Crass et al., US 4,786,533 (Crass). Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Crass. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Wilkie et al., US 5,482,780 (Wilkie). Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse in view of Murschall et al., US 5,436,041 (Murschall ). Claims 1-6, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass in view of Demeuse. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass in view of Demeuse and in view of Wilkie. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass in view of Demeuse and Murschall. Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie in view of Crass. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie in view of Crass. The applicant respectfully traverses these rejections.

**Rejections Over Demeuse or Crass Alone Or In Combination With Other References**

Claims 1-5, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Demeuse as evidenced by Crass. The Examiner comments that Demeuse does not explicitly disclose the melting point of the isotactic polypropylene (but asserted that it was inherent and relied upon Crass (see paragraph no. 10 of the office action).

The applicant claims are distinguished over both references because the applicant's claim a film wherein the base layer containing the hydrocarbon resin and the cold seal layer are not in a direct contact (there is a second cover layer between the base layer and the cold seal layer) (see independent claim 16).

In the applicant's claimed film structure there is an additional layer (second cover layer) between the hard resin modified base layer and the cold seal layer. Such structure has certain beneficial advantages (see paragraph nos. [0034] and [0036]. The teaching according to Demeuse or Crass is to use heat sealing layers or cold sealing layers as alternative layers on the surface of the hard resin modified base layer. Accordingly a person of ordinary skill in the art can only derive film structures from such teachings where the hard resin modified base layer is in a direct contact with the cold seal layer (see col. 5, lines 10-15 of Demeuse and col. 3, lines 28-30 of Crass).

Demeuse describes in a general manner a blend of metallocene polypropylene and hard resin. Demeuse explains why it is beneficial to modify the metallocene polypropylene by adding the hard resin (see col. 2, lines 25-35). It is explained that such blends are useful for preparing oriented films thereof (col. 2, lines 54 -- 58). The individual film structures are described in col. 3, line 60 to col. 5, line 26, where Demeuse discloses different film embodiments which individual structures are explained in detail.

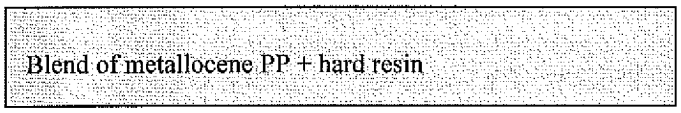
It is disclosed that the blend can be used to produce a monolayered films or composites (col. 3, lines 60-65). It is further explained, that functional layers can be applied onto the surface of such monolayered film made from the blend.

Demeuse states at col. 3, lines 60 to col. 4, line 2:

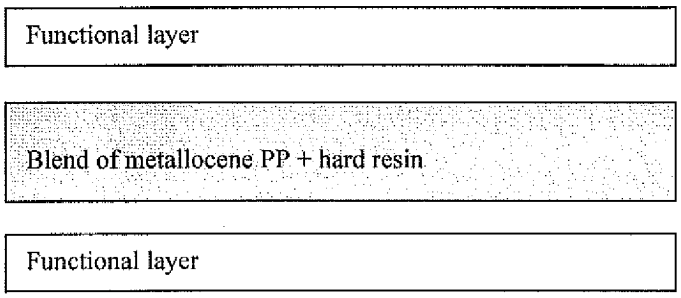
> Several embodiments of the invention are contemplated. In a first embodiment, the films of the invention can exist as **stand-alone films of the blend** of the metallocene catalyzed polypropylene-low molecular weight resin composition. These can be monolayer structures or they can **be composite (multilayer) structures wherein the inventive film serves as a core having one or more functional layers on at least one of its surfaces**. Most commercial polypropylene films are of the composite structure type and that is the preferred structure for the films of the invention. (emphasis added)

Demeuse discloses the following monolayer film or composite film:

Monolayered Film: Embodiment A1




Composite Film: Embodiment A2



Following these explanations another embodiment is described wherein the base layer is a polypropylene layer and an additional layer made from said blend is applied onto said polypropylene base layer.

Demeuse states at col. 4, lines 3 – 8:

> The invention also contemplates an oriented composite film comprised of a **polypropylene core layer having, on one or both of its surfaces, a film comprised of the polypropylene-low molecular weight hydrocarbon resin composition** as described hereinabove. (emphasis added)

Demeuse discloses the following composite film: Embodiment B1

| |
|---|
| Blend of metallocene PP + hard resin |
| PP core layer |
| Blend of metallocene PP + hard resin |

A modification of this embodiment comprises a thin layer of the blend on one surface of the polypropylene core layer and a different layer on the opposite surface. This is described in Demeuse at col. 4, lines 9 – 12 which state:

> In another embodiment of the invention, the film is an **oriented composite film** comprised of a **polypropylene core having on one of its surfaces a thin layer of the metallocene polypropylene-low molecular weight resin composition** and, on the other surface, a different functional layer.

Demeuse discloses the following composite film: Embodiment B2

| |
|---|
| Blend of metallocene PP + hard resin |
| PP core |
| Different functional layer |

The functional layers are disclosed in more detailed in col. 4, line 55 to col. 5, line 25 of Demeuse. It is explained again that the hard resin modified top layer can be applied on either one or both sides of the polypropylene base layer (Embodiment B1 or B2) where Demeuse states at col. 4, lines 55-61:

> Composite films prepared making use of the metallocene polypropylene-low molecular weight hydrocarbon resin **composition of this invention as a surface layer on a polypropylene core** can have the said composition **on either one or both surfaces** of the core layer. If the composition is present on only one of the surfaces, the other surface can have a layer of a different material thereon. (emphasis added)

Also if the multilayer structure comprises a hard resin modified base layer a surface layer can be applied on one or both surfaces of such modified base layer (Embodiment A2).

> Demeuse states at col. 4, lines 61 to 64:
>
> When the **composition according to the invention is employed as a core of a composite structure, a surface layer can be included on either one or both of its surfaces**. (emphasis added)

If a person of ordinary skill in the art would now choose a cold seal layer for the functional layer in the above given structures the person would never get a film according to the structure of the applicant's claim 16, which is:

| Cold seal layer layer |
|---|

| Functional layer |
|---|
| Blend of PP + hard resin |

| Optional Functional layer |
|---|

From the structures which Demeuse disclose, a person of ordinary art cannot derive a film wherein a cold seal layer is applied onto a surface layer which is applied onto the surface of a hard resin modified polypropylene base layer.

The person of ordinary skill in the art would either end up with a structure wherein such cold seal layer is applied onto a resin modified layer, or get a structure wherein the hard resin modified layer is one surface and the cold seal layer is the other surface layer on a non-modified polypropylene core layer.

From this teaching it is impossible to create structure of a resin modified base layer with a polyolefin non-modified surface layer and a cold seal layer on the surface of such surface layer without hard resin.

In order to arrive at the applicant's invention the person of ordinary skill in the art had to specifically select embodiment A2 out of the various embodiment which are disclosed. Next that person had to modify this structure not by choosing a cold seal layer for the functional layer but had to add the cold seal layer on top of such functional layer. Obviously there is no suggestion to add a cold seal layer to the functional layer and even less there is any motivation to do that specifically for a selected embodiment A2.

But the only way at all to arrive at the applicant's claimed invention would be to start with this specific selection of embodiment A2 and to decide for additional cold seal layers on top of the functional layers. Demeuse neither discloses to do that, nor provides any motivation as to why a person of ordinary skill in the art would choose such additional cold seal layer specifically for an arbitrarily selected embodiment A2.

Demeuse discloses only that functional layers can be provided on the hard resin modified (base) layer, but there is no disclosure to apply an additional layer on any of these

functional layers, let alone to apply specifically a cold seal layer on any of such functional layer.

According to Demeuse the cold seal layer is the cold seal layer, amongst other functional layers. The cold seal layer is one example of what the functional can be. Demeuse further states at col. 4, lines 60 through col. 5, line 10:

> When the **composition according to the invention is employed as a core of a composite structure, a surface layer can be included on either one or both of its surfaces**.
>
> In either case, the composition of the functional layers is dictated by the purpose that these layers are intended to serve. Thus, these layers may or may not be of the same composition as the core. In fact, the functional layers need not even contain polypropylene...
>
> **Another frequently used functional layer is a cold seal layer.** (emphasis added)

Again nowhere in Demeuse is it suggested to first apply a functional layer (without hard resin) onto the hard resin modified base layer and to apply on such functional layer an additional cold seal layer. But this is exactly what the person of ordinary skill in the art needs to do in order to arrive at the structure in accordance with the applicant's claimed invention.

Demeuse is completely silent about any effect that the hard resin might have on the function of the cold seal layer. There is no suggestion of what happens to the cold seal layer at all if it chosen as a functional layer for the various structures he is suggesting. There is not the least indication of any criticality n relation to the function of the cold seal layer.

Therefore a person of ordinary skill in the art could not derive form Demeuse how the adhesion could be improved and cold seal deadening could be avoided in order to improve the overall quality of a cold seal film.

In relation to Crass basically the same arguments above apply, because Crass also only suggests to use heat seal layers or cold seal layers as alternative cover layers on the surface of the hard resin modified base layer (see col. 3, lines 27 to 30). Therefore a person of ordinary skill in the art cannot derive from Crass either a structure with a (hard-resin free) cover layer in between the hard resin modified base layer and the cold seal layer. Accordingly Crass does not cure the deficiencies of the Demeuse reference.

The applicant does not believe that the other secondary references cure the deficiency of Demeuse. For the above reasons, these rejections should be withdrawn.

**Rejections Over Wilkie in View of Crass**

The Examiner correctly stated in paragraph no. 76 of the office action that Wilkie does not disclose any hydrocarbon resin. Furthermore, Wilkie requires that the cold seal layer adjacent to the core (see the abstract and the summary of the invention). Wilkie does not disclose "the **base layer has a hydrocarbon resin** and the first cover layer has a cold sealing adhesive coating on its outer surface and the **second cover layer is applied to the diametrically opposite surface of the base layer**" as is required by the applicant's claimed invention. Wilkie does not disclose either of these claimed features.

Crass does not disclose the applicant's claimed invention as discussed above. The other secondary references do not cure this deficiency. For the above reasons, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05581-00141-US from which the undersigned is authorized to draw.

Dated: December 15, 2009

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant